S.B.Civil Writ Petition NO.904/2005
State of Rajasthan & Ors.
vs
M/s. Ramkishan Ramchandra Partnership Firm & anr.

DATE OF ORDER : - 15.2.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Shyam Ladrecha Addl.AG, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 2nd Dec., 2004 by which the trial court admitted the certification of registration of the firm by allowing the application filed under Order 7 Rule 14 CPC.

According to learned counsel for the petitioner, the trial court on earlier occasion rejected the plaintiff's application for the production of the document relating to the registration of the petitioner's firm under Section 69 of the Partnership Act. In that order, the trial court observed that the registered firm is a legal person and contention raised by the plaintiff that both the firms are one and the same, cannot be accepted. According to learned counsel for the petitioner-defendant in view of the order passed by the trial court on 4th June, 2004, the issue relating to grant of permission to produce the registration certificate of

the plaintiff firm stands decided finally and the principle of res-judicata applies to the subsequent stage of the same proceedings. Therefore, the order of the trial court dated 2nd Dec., 2004 is illegal as the trial court had no jurisdiction to permit for the production of the document, firstly at such a belated stage and secondly, the plaintiff relied upon another document for proving registration of plaintiff's firm. Learned counsel for the petitioner relied upon the judgment of the Hon'ble Apex Court delivered in the case of Prahlad Singh Vs. Col. Sukhdev Singh reported in AIR 1987 SC 1145.

I considered the submissions of learned counsel for the petitioner. There is no dispute that the principle of res-judicata applies in the same proceedings at different stages also. The trial court considered all the objections raised by the petitioner in detail in its order dated 2nd Dec., 2004 and reached to the conclusion that the document, which is now sought to be produced is a relevant document for the purpose of deciding issue involved between the parties and the document is trustworthy document because the document is the certificate issued by the Registrar of the Firms registering the plaintiff's firm as alleged by the plaintiff. The contention of the learned counsel for the petitioner if accepted then it is clear that on earlier occasion the plaintiff relied upon a document, which according to petitioner-defendant was not relating to the plaintiff's firm, but subsequent

document, which is sought to be produced by the plaintiff before the court according to learned counsel for the petitioner himself is a different document then there arises no question of applying the principle of res-judicata because the documents produced were different and two documents have their own relevance and credibility as well as evidencery value.

In view of the above, there appears to be no jurisdictional error committed by the court below. Hence, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-